

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 32178 of 2006(E)

PETITIONER:

K.GITA, W/O.K.M.REGUNATHA KURUP,
DISTRICT CIVIL SUPPLY OFFICER, THRISSUR,
RESIDING AT NANDANAM FLATS, NEAR THIRUVANATH
TEMPLE, AYYANTHOLE P.O., THRISSUR.

BY ADV. SMT.K.GIRIJA

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS
DEPARTMENT, THIRUVANANTHAPURAM.
2. THE COMMISSIONER OF CIVIL SUPPLIES
COMMISSIONERATE OF CIVIL SUPPLIES,
THIRUVANANTHAPURAM.
3. THE DISTRICT COLLECTOR,
THRISSUR.
4. V.ARCHIDEL,
DISTRICT SUPPLY OFFICER,
WAYANAD.

R1 RO R3 BY GOVERNMENT PLEADER MR. P.K. BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 32178 OF 2006

Dated this the 19th December, 2006.

JUDGMENT

Challenge is to Ext.P3 order transferring the petitioner from the post of District Supply Officer, Thrissur to the post of District Supply Officer, Wayanad. The substitute posted in her place is the fourth respondent. It is contended that the transfer is not in public interest. Having regard to the ailments suffered by the petitioner, the respondents ought not to have transferred her to Wayanad. There remains only very few months for her to retire from service. The petitioner has worked in Thrissur only for a very short period. Normally she should have been permitted to continue as District Supply Officer for some more time. The abrupt order of transfer will visit her with evil consequences. For the above reasons advanced by the petitioner, Ext.P3 is impugned as arbitrary, discriminatory and malafide.

2. Considering the grounds urged by the petitioner against Ext.P3, the first respondent was directed to file counter affidavit.

3. The averments made in the counter affidavit would show that the first respondent had received complaints against the petitioner from the members of the public and

it was felt that it may not be proper for the first respondent to permit the petitioner to hold the post of District Supply Officer, Thrissur and accordingly she was transferred as per Ext.P3.

4. The petitioner has filed a reply affidavit. Considering the facts stated by the petitioner in the writ petition and the averments made by the first respondent in the counter affidavit I felt that the relevant files shall be called for and perused to ascertain the truth of the rival contentions raised by the petitioner on the one hand and the first respondent on the other.

5. On a perusal of the relevant files it is seen that one C.T.Anto had filed a written complaint addressed to the Hon'ble Minister for Food and Civil Supplies and the same was received in the office of the Minister on 20.10.2003. That complaint was transmitted to the concerned Secretary which was further transmitted to the Director of Civil Supplies for urgent report. Similarly, the President of Methala Panchayat had sent a written complaint before the Hon'ble Minister for Food and Civil Supplies on 15.11.2006. This complaint also was forwarded to the Director of Civil Supplies from the Government Secretariat for immediate remarks. Complaint dated 15.11.2006 is seen signed by the President, Vice President and a member of the Panchayat

apart from two members of the public. A third complaint is seen received in the Government Secretariat which is addressed to the Vigilance Director requesting to take appropriate action against one Mohammed who is the driver of the District Supply Office, Thrissur, one Shri. Mohan who was the former District Supply Officer and Smt. Gita who is the present District Supply Officer, the petitioner herein. On 28.11.2006 the Director of Civil Supplies sent a report to the Private Secretary to the Minister for Food and Civil Supplies pointing out that certain lapses were found committed during the tenure of office by the petitioner and stringent action should be taken against the District Supply Officer. Based on the above report the impugned order was passed.

6. Counsel for the petitioner submits that the petitioner was not informed of the allegations against her at any point of time, and therefore, it is difficult to believe that the impugned order of transfer is based on genuine complaints made by aggrieved persons.

7. On going through the files produced, I am unable to accept the above contention. The complaints were received in the month of November, and as already found, due enquiry was conducted through the Director of Civil Supplies and only after getting the report from the Director of Civil

Supplies, orders were passed directing to transfer the petitioner from the present station. It cannot therefore be contended that the statements made in the counter affidavit that complaints containing allegations against the petitioner were received have no factual basis or that the order of transfer does not involve any public interest. The relevant files very clearly show that public interest has been given due importance and the Government have done what is required to be done according to law. I find no error or infirmity in the impugned order. Writ petition fails. Dismissed.

K.K.DENESAN
Judge